THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8307 of 2007

DATED:20-04-2007

Kunjum Katanna Dora.

.....
PETITIONER

AND

The Project Officer,
Integrated Tribal Development Agency,
Rampachodavaram,
East Godavari District & 3 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in dispossessing the petitioner from the land to an extent of Ac.4.00 cents in Sy.No.269/1 of Melleru village, Gangavaram mandal, East Godavari District, as illegal and arbitrary.

3. It is the case of the petitioner that he is in actual possession of an extent of Ac.4.00 cents of land in Sy.No.269/1 of Melleru village, Gangavaram mandal, East Godavari District and he belongs to Scheduled Tribe and the said land is situated in the scheduled area and the possession of the petitioner is not in contravention of any of the provisions of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959 (for brevity, 'Regulation 1 of 1959'). It is stated that pattadar pass book was also issued in favour of the petitioner in respect of the said land and the petitioner has been paying the necessary cist and enjoying the said property. It is further stated that without any justification, whatsoever, respondents are threatening to dispossess the petitioner, and orally instructed the petitioner on 14-03-2007 to

stop cultivation of the said land.

4. Having regard to the facts and circumstances of the case, I am of the opinion that if really there is any illegal interference or an attempt to dispossess the petitioner without following due procedure of law it is just and proper for the petitioner to make a representation bringing to the notice of the respondents about his legal entitlement and original ownership but without making any representation before the respondents straightaway approaching this Court to issue a writ of mandamus may not be just and proper, but however, as the petitioner is a tribal respondents cannot dispossess him without following due process of law.

5. Accordingly, the Writ Petition is disposed of directing the respondents not to dispossess the petitioner without following due process of law. No order as to costs.

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V.ESWARAIAH,J

20th February, 2007.
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